

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

K BENOIT TOMETY

Claimant

and

TEAM STAFFING SOLUTIONS INC

Employer

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HEARING NUMBER: 20B-UI-10433

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 24.23-26, 96-4-3

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

Both parties appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Board would comment that should the Employer's account be charged for those benefits paid as a result of the pandemic, the Employer may seek a waiver by contacting the Tax Department.

In addition, the Board would note the administrative law judge determined the Claimant had an overpayment of regular unemployment benefits; and remanded the case for further investigation into whether any federal (FPUC and PEUC) overpayments exist. While the Claimant will be obligated to repay the regular unemployment benefits already received, it is possible the Claimant may obtain a waiver *only* of the FPUC

and PEUC overpayments. In order to find out if he is eligible for such a waiver, the Claimant must contact the Iowa Workforce Development, Benefits Bureau, to request such a waiver.

Ashley R. Koopmans

James M. Strohman

DISSENTING OPINION OF MYRON R. LINN:

I respectfully dissent from the majority decision of the Employment Appeal Board. After careful review of the record, I would affirm the decision of the administrative law judge without comment regarding the FPUC and PEUC comment. I concur with the explanatory comments of the majority decision.

Myron R. Linn

AMG/fnv